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Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Juridical investigations and lawsuits against representatives of the Turkish community in Western Thrace as an instrument of political pressure and intimidation

The Federation of Western Thrace Turks in Europe (ABTTF) is concerned about acts of political intimidation against representatives and religious leaders of the Turkish community in Western Thrace, of which status was established by the 1923 Lausanne Treaty.

Juridical investigations against representatives and religious leaders i.e. elected muftis in particular have revealed that there is political pressure against the Turkish community, while this situation threatens the right to freedom of speech and expression for the community members.

In the year 2016, the president and the vice-president of the Friendship, Equality and Peace(FEP) Party were called to make their depositions in the criminal complaint filed by the neo-Nazı Golden Dawn Party for the "Search for Justice" march organized by the FEP Party on 24 July 2016[1]. The party president made his deposition once again in October 2016 in relation to an investigation for his speech during the FEP Party's 4th General Congress on 22 May 2016 about the Party's founder and first President Dr. Sadık Ahmet's stolen car, in which he lost his life in an accident[2].

In December 2016, the Mayor of Iasmos (Yassıköy) Municipality İsmet Kadı was sentenced to a four-month-imprisonment, because he allegedly used the official car outside the municipality borders and for his personal affairs. On 19 December 2016, the Mayor was stopped by the police while driving in the vehicle after leaving his children to the school in the morning.[3]

In December 2017, Koray Hasan, former chairman of Komotini Turkish Youth Union, established in 1928 and dissolved in 1983 for the word "Turkish" in its name, appeared before the judge because that he made refurbishment in the club house without taking permission. Furthermore, the former chairman was previously called to bear testimony in the investigation for the frame in Turkish on the wall of the clubhouse[4].

Not only representatives of the Turkish community were filed criminal complaints for their speeches and actions on various grounds in the year 2017, but also the religious leaders who were elected by the Turkish community in Xanthi and Komotini were filed many complaints for their religious services and for their speeches.

The Elected Mufti of Komotini, İbrahim Şerif was subjected to seven juridical investigations within ten months in 2017. On 9 November 2017, Şerif was called to testify at the Komotini Police Department upon the order of the Public Prosecutor of Alexandroupolis on the ground that he executed Friday prayer with Western Thrace Turks in the Turkish village Musaköy (Komara) in Evros in 2016.

There is a lawsuit filed against İbrahim Şerif with the charge of usurping the office of the mufti. Mufti Şerif is charged with performing activities at a mass circumcision ceremony for the Western Thrace Turks in Alankuyu neighborhood in the city of Komotini in December 2016 by interfering in the mandate of the Mufti appointed by the state. Concerning this issue, İbrahim Şerif said, "The actual situation was very different from the claims of the prosecution. We attended the event over the request of fellow Muslims. I'm charged with organizing a religious event, as religious authorities, we need to provide religious services to those requesting help"[5].

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1 http://milletgazetesi.gr/view.php?id=5336

2 http://www.debpartisi.org/indexENG1.php?s=detailsENG&id=4742

3 http://www.gundemgazetesi.com/haberyunanistan/detay/2457

4 http://www.birlikgazetesi.net/haberler/13572-koray-hasanin-bakanliisona-erd-ama-mahkemelerde-kovalamaca-devam-edyor-.html

5 https://www.aa.com.tr/en/europe/greece-mufti-to-be-tried-for-usurping-authority/1083573

There are two lawsuits against Ahmet Mete, Elected Mufti of Xanthi. Ahmet Mete was sentenced to seven-month imprisonment on 13 November 2017 with the charge of usurping the office of the Mufti at the funeral of a young minority member Ahmet Katunlu who lost his life in 2016 during his military service, because Ahmet Mete led the prayer during the funeral. During the memorial ceremony on 14 July 2016, the appointed Mufti of Xanthi, who is not recognized by community members, wanted to make the prayer at the funeral, however community members voiced their strong objection and wanted Mete to lead the prayer. Ahmet Mete appealed the decision of the domestic court, there will be a hearing at the Three-Judge Appeal Court in Thessaloniki on 21 September 2018.

The second lawsuit against Ahmet Mete has been filed with the charge of causing discrimination among the Greek citizens in Thrace and disrupting the public order and peace for his speech in which he drew a parallel between Rauf Denktaş, former president of the Turkish Republic of Northern Cyprus and the president of the FEP Party Mustafa Ali Çavuş at the FEP Party's Congress in May 2016. Ahmet Mete appeared before the judge on 28 November 2017, the hearing was postponed to 26 June 2018.

ABTTF would like to remind that the right of the Turkish community to choose its own religious leaders has been granted and guaranteed by the 1881 Convention of Constantinople and the 1913 Treaty of Athens that Greece signed with the Ottoman Empire. The election of the religious leaders was incorporated into Greek domestic legislation in 1920 with a procedure which enabled the Turkish community to determine their own religious leaders i.e. muftis in Rhodope, Xanthi and Didymoteicho. However, Greece abolished this right by the appointment of muftis by the Ministry of Education and Religious Affairs by Presidential Decree of December 24, 1990 and Law no. 1920/1991 on Muslim religious instructors. In reaction to the violation of religious autonomy, the community elected their own Muftis as their own religious leaders in Komotini and Xanthi.

Today in Western Thrace there is a dual structure where there are muftis appointed by the state and muftis elected by Western Thrace Turkish community. In 1995-1996, elected muftis in Komotini and Xanthi were prosecuted and sentenced to prison for usurping the functions of Mufti and publicly wearing the dress and using the religious symbols of Mufti. Ibrahim Şerif applied to the ECtHR, and the Court ordered in 1999 that there has been a violation of Article 9(freedom of religion or belief) of the Convention in the case of Şerif v. Greece[6].

ABTTF urges the Government of Greece to protect, respect and promote the rights of the Turkish minority guaranteed by the Treaty of Lausanne and other bilateral and multilateral agreements with no further interventions. Recalling that every person should have a right to freedom of expression and the right to freely to profess and practice their religion in the framework of freedom of religion or belief, ABTTF demands from Greek authorities to stop intimidation and deterrence against representatives and religious leaders of the Turkish community. ABTTF demands from the Greek government to ensure that Turkish community enjoys its right to elect its own religious leaders as other known religions in Greece.

6 Case of Serif v. Greece(Application no. 38178/97) and Case of AGGA v. Greece (Application no. 32186/02)